

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Beate Hoffmann et al.

Serial No.: 10/027,880

Filed: December 21, 2001

For: PROMOTER EXPRESSED  
SPECIFICALLY IN PLANT ROOT  
CELLS, VECTORS AND  
RECOMBINANT HOST CELLS  
CONTAINING SUCH A PROMOTER  
AND TRANSGENIC PLANTS  
OBTAINED

Group Art Unit: 1638

Examiner: Unknown

Atty. Dkt. No.: CHEP:003US

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AUG 14 2002  
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CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on the date below:

August 5, 2002

Date

Mark B. Wilson

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION FILED UNDER 37 C.F.R. 1.53(b)**

**BOX MISSING PARTS**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application Under 37

C.F.R. § 1.53(b), dated February 5, 2002, there are enclosed herewith:

- (a) Declaration executed on behalf of Beate Hoffmann, Pascale Mollier and Georges Pelletier;

- (b) A Power of Attorney on behalf of Institut National de la Recherche Agronomique;
- (c) Statement as Required Under 37 C.F.R. § 1.825(a) and (b) and Statement as Required Under 37 C.F.R. § 1.821(g);
- (d) Computer Readable Form of Sequence Listing;
- (e) Paper Copy of Sequence Listing;
- (f) Substitute Drawings, Figures 1-10 on 22 sheets;
- (g) Change of Entity Status from Small Entity to Large Entity;
- (h) Our check in the amount of \$2246.00 to cover the surcharge for late filing (\$130.00); four month extension of time fee (\$1,440.00); the fee for changing from a small entity to a large entity (\$676.00);
- (i) A copy of Notice to File Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. 1.53(b)-Filing Date Granted; and
- (j) A Request for Extension of Time of four months to and including August 5, 2002. Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

An Assignment to Institut National de la Recherche Agronomique and a check for \$40.00 are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/CHP:003US.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'MBW', written over the typed name.

Mark B. Wilson  
Reg. No. 37,259  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: August 5, 2002

**FULBRIGHT & JAWORSKI L.L.P.**

A REGISTERED LIMITED LIABILITY PARTNERSHIP

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AUSTIN, TEXAS 78701

MARK B. WILSON  
PARTNER

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DIRECT DIAL: 512/536-3035



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August 5, 2002

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FILE: CHEP:003US

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37 C.F.R. 1.8

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August 5, 2002  
Date

Mark B. Wilson

**BOX MISSING PARTS**

Commissioner for Patents  
Washington, DC 20231

RE: *U.S. Patent Application No. 10/027,880 entitled "PROMOTER EXPRESSED SPECIFICALLY IN PLANT ROOT CELLS, VECTORS AND RECOMBINANT HOST CELLS CONTAINING SUCH A PROMOTER AND TRANSGENIC PLANTS OBTAINED" – Beate Hoffmann et al. (Client reference: 593K US 3838)*

Sir:

Please find enclosed:

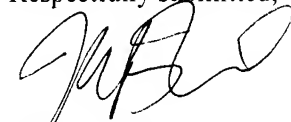
- (1) A Response to Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b) mailed February 5, 2002;
- (2) Declaration;
- (3) Power of Attorney;
- (4) Request for Extension of Time;
- (5) Statement as Required Under 37 C.F.R. § 1.825(a) and (b) and Statement as Required Under 37 C.F.R. § 1.821(g);
- (6) Computer Readable Form of Sequence Listing;
- (7) Paper Copy of Sequence Listing;

Commissioner for Patents  
August 5, 2002  
Page 2

- (8) Substitute Drawings, Figures 1-10 on 22 sheets;
- (9) Change of Status from Small Entity to Large Entity;
- (10) Copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(c)-Filing Date Granted;
- (11) Check in the amount of \$2246.00; and
- (12) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/CHEP:003US.

Respectfully submitted,



Mark B. Wilson  
Reg. No. 37,259

MBW/mar  
Encl: as noted



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/027,880	12/21/2001	Beate Hoffmann	CHEP:003US

CONFIRMATION NO. 4492

## FORMALITIES LETTER



\*OC00000007419518\*

Mark B. Wilson  
Fulbright & Jaworski L.L.P.  
Suite 2400  
600 Congress Avenue  
Austin, TX 78701

Date Mailed: 02/05/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

RECEIVED  
AUG 14 2002  
OFFICE OF PETITIONS

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - more than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1));
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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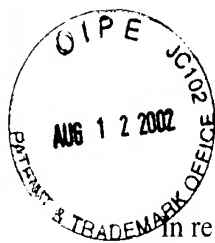
*A copy of this notice MUST be returned with the reply.*



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Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Beate Hoffmann et al.

Serial No.: 10/027,880

Filed: December 21, 2001

For: PROMOTER EXPRESSED  
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August 5, 2002  
Date

  
Mark B. Wilson

**CHANGE OF STATUS FROM SMALL  
ENTITY TO LARGE ENTITY**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicants hereby request a change of status from small entity to large entity for the above-identified matter. This change of status occurred because the assignee in the above-identified application is a large entity.

Applicants submit herewith a check for \$2246.00, which represents the deficiency occasioned by the payment of small entity rather than large entity fees during the prosecution of



this case following the assignment to a large entity. It also includes the surcharge and extension fees of \$1570.00. The deficiency is based on the amount of fees in effect as of the date of this submission, pursuant to 37 C.F.R. §1.28(c).

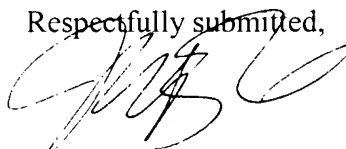
Specifically, the check includes dollar amounts as follows for the following items:

<b>Small Entity Amount Paid</b>	<b>Item/Date Submitted</b>	<b>Large Entity Fee</b>	<b>Deficiency Submitted Herewith</b>
\$676.00	12/21/01	\$1352.00	\$676.00

If the Commissioner of Patents and Trademarks determines that any other fees or deficiencies are occasioned by this error in the entity status of the application, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/CHEP:003US.

Applicants regret this inadvertent error and request that it be corrected.

Respectfully submitted,



Mark B. Wilson  
Reg. No. 37,259  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: August 5, 2002